

**GOVERNMENT OF TELANGANA
ABSTRACT**

Backward Classes Welfare Department – Appeal Petition filed under Telangana (SC, ST & BC) Regulation of issue of Community Certificates Act, 1993 and Rules 1997 by Sri Shaik Osman Ali, S/o Nabi Saheb, Hanumakonda District (formerly Warangal Urban District) - Stay Petition Vacated and Appeal Dismissed - Orders – Issued.

BACKWARD CLASSES WELFARE (B) DEPARTMENT

G.O.Ms.No. 2

**Dated: 02-03-2023.
Read the following:-**

1. From the District Collector, Warangal District Procg.No.C5/5646/2013, dated:15.11.2014.
2. Appeal Petition filed by Sri Shaik Osman Ali, S/o Nabi Saheb, Hanumakonda District (formerly Warangal Urban District).
3. Govt.Memo.No.38/BCW/OP/2015-1, Dated:13.01.2015.
4. From the District Collector, Warangal Lr.No.C5/5646/2013, dated:13.02.2015.
5. Govt.Memo.No.38/BCW/OP/2015, Dated:24.07.2018.
6. Govt.Memo.No.38/BCW/OP/2015, Dated:22.02.2023.

O R D E R:

In the reference 1st read above, the District Collector, Warangal District has informed that, after examining the complaint of Sri Koyyada Bixapathi S/o Sri. K. Ramchandram and the report of Revenue Divisional Officer, Warangal, the matter has been placed before the District Level Scrutiny Committee for verification of genuinity of caste certificate issued to Sri Shaik Osman Ali, S/o Nabi Saheb, Hanumakonda District (formerly Warangal Urban District).

The enquiry report is as follows:

2. During the enquiry, the Tahsildar, Wardhannapet Mandal was directed to enquire and check up records whether the certificate was issued from the officer of the Tahsildar, Wardhannapet in compliance to the instructions. The Tahsildar has submitted that the villagers has revealed that, basically Sri Shaik Osman Ali, S/o Nabi Saheb, R/o Punnell Village and his family have been following Islamic traditions and rituals and belongs to Indian Muslim Shaik Community. Further, the educational records of Sri Shaik Osman Ali, S/o Nabi Saheb, have been verified and found that he studied upto 5th class in MPPS School, Punnell in which his caste was mentioned as MOHAMMADIYA. Later on he joined ZPPS School, Bollikunta Village of Sangham Mandal and studied upto 8th class. In transfer certificate of ZPPS school his caste was mentioned as Dudekula. Further, his father Sri. Shaik Nabi Saheb S/o Dada Saheb studied in the same school and his caste is also mentioned as MOHAMMADIYA. In local enquiry it is found that his relatives are also following the muslim traditions but not the traditions of Dudekula and came to conclusion that Sri. Shaik Osman Ali S/o Nabi Saheb R/o Punnell Village belongs to Muslim Shaik Community.

3. The Revenue Divisional Officer, Warangal has also submitted his enquiry report stating that Sri. Shaik Osman Ali S/o Saheb at Punnellu Village on 10.10.2014 and the villagers have stated in their own statement that Sri. Shaik Osman Ali belongs to Dudekula Caste and some of the villagers have stated that he belongs to Muslim Caste and they obtain Muslim traditions. Further stated that on verification of school records of the individual and his fathers school certificate and his children school certificates they belongs to Muslim Caste. Sri. Osman Ali and his wife Smt. Ramiza Khathoon have applied in Mee Seva Centre for issue of BC-E Muslim Caste. Further, it is submitted that, the caste of Sri. Shaik Nabi Saheb (father of Sri. Shaik Osman Ali) was written as Minority (Muslim) in Pattadar Pass Book Khata No.476 of Punnellu Village issued by the Mandal Revenue Officer, Wardhannapet on 30.04.2005. Finally the Revenue Divisional Officer, Warangal has reported that Sri. Shaik Osman Ali S/o Nabi Saheb belong to BC-E –Muslim Caste.

P.T.O

4. The District Level Scrutiny Committee has fixed meeting on 31.10.2014. Accordingly under section 5(i) of the A.P (SC/ST/BC) issue of community certificate Act16/1993 r/w Sub-Rule (7) and Rule (9) of A.P. (SC/ST/BC) issue of Community, Nativity and Date of Birth Certificate Rule 1997 communicated vide G.O.Ms.No.58, Social Welfare (J) Department, dated:12.05.1997, the false BC-B DUDEKULA caste certificates issued in favour of Sri Shaik Osman Ali, S/o Nabi Saheb of Punnelu Village of Wardhannapet Mandal of Warangal District by Tahildar Warndhannapet vide No.DCO 7499091 (00BB95595117), dated:16.07.2013, has proved to be fraudulent one recommended for cancellation of BC-B DUDEKULA caste as he belongs to BC-E MUSLIM Community duly declaring that the individual does not belongs to BC-B DUDEKULA Caste.

5. Finally, the Collector & District Magistrate, erstwhile Warangal District has cancelled the false caste BC-B Dudekula issued in favour of Sri. Shaik Osman Ali S/o Nabi Saheb of Punnelu Village of Wardhannapet Mandal of Warangal District issued by the Tahsildar, Wardhannapet vide DCO 7499091 (00BB95595117), dated:16.07.2013.

6. In the reference 2nd read above, Sri Shaik Osman Ali, S/o Nabi Saheb, Hanumakonda District (formerly Warangal Urban District) has filed an Appeal petition before Govt., under Section 7 (2) & (4) of Telangana State (SC's, ST's and BC's) Regulation of Issue of Community Certificates 1993 on the operation of the orders of the District Collector, Rangareddy District Procg.No.C5/5646/2013, dated:15.11.2014.

7. Government vide reference 3rd read above, have examined the Appeal petition filed by Sri Shaik Osman Ali, S/o Nabi Saheb, Hanumakonda District (formerly Warangal Urban District) under section 7 (2) & (4) of the Telangana State (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993), issued stay orders of the operation of the Procg.No.C5/5646/2013, dated:15.11.2014 of the District Collector, Warangal District pending disposal of the appeal petition with Government and without prejudice to the rights of the competent authority to take necessary action under provision of any other law or laws.

8. After examining original records obtained from the District Collector, Warangal vide letter dated:13.02.2015, hearing was conducted on 14.09.2015 and the appellant attended the hearing and submitted a representation seeking one month time for next hearing. Therefore, the next hearing was scheduled to 02.10.2015 wherein the appellant has requested to grant three months time to submit detailed counter affidavit and other evidence to support his case. The appellate authority has granted two (2) months time to the individual.

9. Government vide reference 5th read above, have issued final notice to the appellant to produce the documents as proof of his claim.

10. Further, on various administrative reasons i.e., Model Code of Conduct, COVID-19 pandemic situation, the meeting was postponed time to time and posted on 22.01.2022 and again postponed due to preventive measures of COVID-19.

11. Finally the case was appraised on 28.02.2023, ***the Appellate authority i.e., the Hon'ble Minister for BC Welfare*** has given an opportunity to the appellant for submitting *the relevant documents. Accordingly, Sri Shaik Osman Ali has agreed that, he belongs to BC-E Shaik community, i.e., at Sl.No.12 of G.O.Ms.No.03, BC Welfare (B) Department, dated:09.09.2020.*

12. Government after careful examination of the matter, hereby vacate the stay duly dismissing the appeal and the proceedings vide dated:15.11.2014, of the ***District Collector, Warangal holds good.***

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA]

**B. VENKATESHAM
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector,
Hanumakonda District, (formerly Warangal Urban District)

Contd.,

::3::

The Commissioner of BC Welfare,
Telangana State, Hyderabad
Sri Shaik Osman Ali, S/o Nabi Saheb,
H.No.1-182/1, Punnelu Village,
Wardhannapet, Warangal District **through**
District Collector, Warangal District
Sri Koyyada Bixapathi, S/o Late Sri Sri K.Ramachandran,
R/o H.No.3-66, Punnel-LA Village,
Wardhannapet Mandal, Warangal District **through** District
Collector, Warangal District
Copy to
P.S. to the Hon'ble Minister for BC Welfare.
SF/SF

//FORWARDED:: BY ORDER//

SECTION OFFICER